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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,173	07/03/2003	Craig D. Yarbrough	SVSN-26,380	9135
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HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER BANGACHON, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,173

Applicant(s)

YARBROUGH, CRAIG D.

Examiner

William L. Bangachon

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments [Remarks] with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The rejection of claims 2-7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

Art Unit: 2612

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-3, 5 and 8-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,532,689 (hereinafter 'Bueno') in view of USP 5,310,999 (hereinafter 'Claus et al'), and further in view of USP 6,310,542 (hereinafter 'Gehlot').

In claim 1, Bueno teaches of an identification tag component comprising:

an smart card housing (i.e. identification tag shell (4)) having an outer surface as shown in the drawing, a transmitter (9), an identification tag interface (6) communicably connected to said transmitter (9) and adapted to read identification data from an identification tag (5) {col. 2, lines 32-37}; and

wherein said transmitter transmits identification data {Bueno, paragraph-bridging cols. 2 and 3}.

Bueno do not disclose expressly **“means on said outer surface for holding the identification tag in communicable proximity to said identification tag interface”**. In this case, Claus et al is cited to teach of an exemplary identification tag (500) in a smart card toll application that is insertable in said claimed “means for holding” (600), shown in Figures 4 and 5 {Claus et al, col. 5, lines 53-59+}. Claus (in the same field of endeavor, wireless authentication of smart card systems) suggests that it is advantageous to have a removable tag from a reader because when the tag is removed from the reader, the tag can no longer be used for toll payments and can be used for the payment of other goods and services {Claus et al, col. 7, lines 14-19+}. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention,

Art Unit: 2612

to have the claimed means for holding in the system of Bueno because, as taught by Claus, it is advantageous to have a removable tag from the means for holding because when the tag is removed from the reader, the tag can no longer be used for toll payments and can be used for the payment of other goods and services.

Bueno in view of Claus et al do not disclose **“a panic switch wherein said transmitter transmits a panic signal when said panic indication is received”**. Gehlot, in the same field of endeavor (transponder systems), teach of including a panic button 53 in communication with a transponder {Gehlot, col. 7, lines 56-63+} for the purpose of contacting the police. Gehlot suggests that a panic button, which will automatically contact the police, is beneficial in a situation where a person's life is in danger {Gehlot, col. 7, lines 35-45 and lines 53-56}. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to have a panic button in the system of Bueno because, as taught by Gehlot, the panic button will automatically contact the police in a situation where a person's life is in danger.

In claim 2, although Bueno do not disclose expressly **“said transmitter is an active transmitter”**, the claim limitation is a just a matter of obvious design choice and would have been obvious in the system of Bueno to add a battery to make the transmitter active (9), to one of ordinary skill in the art. Active transmitters are usually used whenever a user wishes to have a longer transmission distance. Also see Claus et al, col. 5, lines 63-66.

In claim 3, the remote identification tag holder of claim 1, wherein said identification tag interface is a smart card reader (memory interface) as shown in the drawings.

In claim 5, the remote identification tag holder of claim 1, further comprising a processor (8) communicably connected to said transmitter (9) and communicably connected to said identification tag interface (6).

In claim 8, the identification tag component of claim 1, wherein said identification data is authorization data {col. 2, lines 18-31}.

In claim 9, the identification tag component of claim 1, wherein said identification data identifies a person {col. 2, lines 18-31}.

In claim 10, the identification tag component of claim 1, wherein said identification data identifies equipment {col. 2, lines 32-37}.

6. Claims 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,532,689 (Bueno), USP 5,310,999 (Claus et al), and USP 6,310,542 (Gehlot), and further in view of US H2120 (hereinafter 'Cudlitz').

In claims 4 and 6-7, Bueno do not disclose "a biometric data reader". Cudlitz teach of "a biometric data reader 100 communicably connected to said transmitter 204 and processor 202, wherein said processor 202 receives input biometric data from said biometric data reader 100 and said processor processes said input biometric data and wherein stored biometric data is stored on the identification card and said processor processes said stored biometric data and said processor determines if the input

Art Unit: 2612

biometric data is substantially related to the stored biometric data and generates a biometric verification signal and wherein said transmitter transmits said biometric verification signal" {Cudlitz, Figure 2, col. 1, lines 58+}. The systems of Bueno and Cudlitz are analogous art because they are from the same field of endeavor, wireless authentication of smart card systems. Cudlitz suggests that combining an ID number and biometric characteristic of an individual is beneficial in that it provides increased security and at the same time, expedite processing of smart cards passing through access gates {Cudlitz, col. 1, lines 20-37; col. 2, lines 65-67}. Obviously, it is beneficial in the system of Bueno, because Bueno is concerned with transmitting data quickly and securely from a smart card during a remote transaction. Therefore, at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to have a biometric authentication as claimed, in the system of Bueno, because, as taught by Cudlitz, it provides increased security and at the same time, expedite processing of smart cards passing through access gates.

7. Claims 11-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,532,689 (Bueno), USP 5,310,999 (Claus et al), and USP 6,310,542 (Gehlot), and further in view of US H2120 (Cudlitz) and USP 6,507,912 (hereinafter 'Matyas, Jr. et al').

Claim 11 recites the remote identification tag and remote identification tag holder of claims 1, 5, and 6-7, further comprising:

a location receiver (2) receiving transmissions from said transmitter (9), and

a location processor (3) connected to said location receiver (2),

Bueno in view of Cudlitz do not disclose **“hash of the biometric data”** as claimed. Matyas, in the same field of endeavor (biometric security systems), teach of a one-way nonlinear hash function of biometric data samples {Matyas, col. 5, lines 49-51+}. Matyas suggests that it is advantageous to use a hash function (i.e. in place of encryption) because hashing, as claimed, secures biometric data during transmission without unduly increasing the cost and complexity of the biometric application {Matyas, col. 3, lines 1-3+}. Therefore, at the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to hash the biometric data of Bueno in view of Cudlitz because, as taught by Matyas, a hash function secures biometric data during transmission without unduly increasing the cost and complexity of the biometric application.

In claim 12, the remote identification tag identification system of claim 11, further comprising a system identification database in communication with said location processor, wherein said location processor further processes stored identification data {Bueno, paragraph bridging cols. 2 and 3}.

In claim 13, although Bueno do not disclose **“said location processor provides displayed identification data”**, these claim limitations are conventional, such as when used for toll collection as exemplified by Claus et al, and would have been obvious in the system of Bueno because it provides for visual notification to motorists, as taught by Claus et al {Claus et al, col. 5, lines 18+}, to one of ordinary skill in the art.

In claim 14, the identification tag component of claim 1, wherein said identification data identifies a person {Bueno, col. 2, lines 18-31}.

In claims 15 and 16, the identification tag component of claim 1, wherein said identification data is authorization data {Bueno, col. 2, lines 18-31}.

In claim 17, although Bueno do not disclose expressly “**a second location receiver and a second location processor, wherein said second location processor is in communication with said system identification database**”, these claim limitations would have been just a matter of design choice and would have been obvious to one of ordinary skill in the art to add as many location receivers to the system of Bueno, depending on accuracy, dead spots, or how the signal in the system of Bueno will be picked up.

In claim 18, said identification tag interface is a smart card reader (memory interface) as shown in the drawings of Bueno.

In claims 19-20, the remote identification tag identification system of claim 11, further comprising an access barrier, wherein said location processor processes said received identification to determine access authorization and causes said access barrier to move when access is authorized, wherein said access barrier is a gate {Cudlitz, col. 2, lines 56-67}.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2612

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Office Contact Information

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on Monday – Thursday, 8:30 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy Garber can be reached on **(571)-272-7308**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

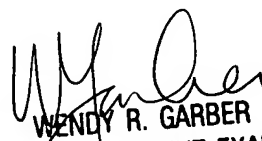
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L Bangachon
Examiner
Art Unit 2635

June 19, 2006



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2500